

**COUNCIL MINUTES**  
**OCTOBER 7, 2015**

The City Council held a meeting on Wednesday, October 7, 2015, at 5:30 p.m., in the Council Chambers, 10 North Main Street, Cedar City, Utah.

**MEMBERS PRESENT:** Mayor Maile Wilson; Councilmembers: Ron Adams; John Black; Paul Cozzens; Don Marchant; Fred Rowley.

**STAFF PRESENT:** City Manager Rick Holman; City Attorney Paul Bittmenn; City Engineer Kit Wareham; City Recorder, Renon Savage; Finance Director Jason Norris; Police Chief Robert D. Allinson; Fire Marshal Mike Shurtz; Economic Development Director Danny Stewart; Public Works Director Ryan Marshall; Parks Superintendent Austin Bingham; Aquatics Manager Chris Hudson.

**OTHERS PRESENT:** Craig Isom, Jack Burns, Robin Haight, Wade Grimm, Josefina Paredes, Lucy Diaz, Yolanda Navarrete, Antonio Paredes, Tom Jett, Braylon Bingham, Kason Bulloch, Amelia Brown, Jeffrey Brown, Jaclyn Cooley, Jessica Warren, Mitch Dettamanti, Brenda Lee Blackburn, Thomas Mathew, Corey Baumgartner, Terri Hartley, Kip Hansen, Kerry Fain, Scott Jolley.

**CALL TO ORDER:** Pastor Steve Baden of Light of the Valley Church gave the invocation; the pledge was led by Braylon Bingham of Scout Troop #333.

Mayor – Scott Jolley is in a meeting, when he gets out he will come in and give an update on the tragic incident that happened with the Flight School. We will fit him in when he gets here. Approve the agenda with that flexibility.

**AGENDA ORDER APPROVAL:** Councilmember Black moved to approve the agenda order with Scott being able to come to the mic when he gets here; second by Councilmember Marchant; vote unanimous.

**ADMINISTRATION AGENDA – MAYOR AND COUNCIL BUSINESS; STAFF**

**COMMENTS:** ■Marchant - The Chinese came when you were away and Paul and I represented the City. They presented the City with a wall hanging to represent the Chinese. It was given to the Mayor. Mayor – it will be displayed in my office. Marchant – they are so proper. ■FBO Ownership Change – Don Marchant: I would like Brenda to come up and tell of the ownership change of Sphere One. Brenda Lee Blackburn – we are in the middle of a change at Sphere One. JJ who is at the office, she takes care of everything. Thomas Mathews is purchasing Sphere One Aviation; he brings an amazing experience and can enhance what we have done for 13 years. I am staying and will be working with Thomas and enhance our amazing Airport. Thomas Matthews – I am glad to be here, hope to be here long term and improve and enhance what we have at the Airport. We are growing and Sphere One will be a part of that. Rowley – will Sphere One keep its name? Yes and Brenda will stay with us. Black – we welcome you and are following a class act with Brenda. Mayor – where are you headquartered? Fort

Worth, Texas. Marchant – Brenda has done an excellent job, we welcome you to the community and to our air service. You purchased into a well-managed business. We welcome you to our Airport. It is not new to you, you have FBO's in many places and you are well trained. You have a good operation. Thomas – my background, I came to the US in 1979 for flight training, did that at Mission Field, was a flight instructor and then did fly for a few oil companies and bought my first FBO in 1994. We sold in 2003, to Trajan, all are now part of Atlantic Aviation. I had a non-complete clause for a time, but we are back. We bought two in San Antonio and combined into one and now Cedar City. When we look at FBO's we look at management, we have to have good people to manage, and Brenda meets that. We also look at the aviation community and the growth that we see in Cedar City. We hope to have 10 FBO's by next year. Black – do you have something to do with jets? Thomas – we look to enhance service, we do have charter with jets and helicopters, it will be improved and you will see more people flying here. ■Black – we look at Austin's staff and the work they do in the parks and on Main Street, but I need to thank Joyce Messer on what she does at the entrances to our community, it looks beautiful. ■Rowley – What arrangement do we have with the City of Enoch for fire financially? Paul – the same with the County, Kanarraville and Enoch. There is a formula to prorate based on service calls. Rick – it is an annual agreement, the amount is based on the last 5 years of calls average. Mike and I have spoken and we are going to set down with Jason and see if we need to alter some things. ■Mayor – we just got back from a tour of the Beverly Taylor Sorensen Center for the Arts, and it is beautiful. Saturday, from 10-3 at Diamond Z is the Women in Business Pumpkin Festival. October 22<sup>nd</sup> is the City Council Debate at 6:30 for the meet and greet of the candidates and the debate starts at 7:00 p.m. The Livestock Heritage Festival 10<sup>th</sup> anniversary, they are honoring the past grand marshals and having a program, President White and I are speaking at 7 p.m. on the 22<sup>nd</sup> at the Heritage Center they will show Back to the Mountain as well. Sheep parade is October 24<sup>th</sup> at 10 a.m. Our sister City, Gapyong will be here October 23 and 24, they are coming for the Livestock and Heritage Festival. November 11<sup>th</sup> is Veteran's Day and the City's Birthday, we will not celebrate that day but honor the Veterans, and we will have a birthday celebration program at another time, the date is not exact yet, we are having a contest with 4<sup>th</sup> and 5<sup>th</sup> grade elementary for visual art of writing with the theme of "what makes me smile about Cedar City" and the awards will be presented at the birthday party.

**PUBLIC COMMENTS:** ■Wade Grimm – report on a few things, we commented about minutes and videos being up to day, we had 3 ask at Ace last night why they are not up to date on minutes and videos, some are not posted. We would like a better effort. I get asked by people in town so if the information is up to speed they can find on their own. It is not caught up. Some of the videos never get posted. ■Robin Haight – sometimes I come to the meetings and don't listed as close as I would like, I don't know what an FBO is. I have a friend in the military, soldier asked what he was doing, he said cleaning brt, asked what that is it is a "big round thing". I would like FBO spelled out so we know what things are. Jeremy Valgardson, Cedar City Airport Manager – an FBO is a Fixed Base Operator, business side of the airport, they take care of fueling. We contract that out. Cozzens – on the videos, why are we behind? Kit – we post the same night most times, but we have had issues with equipment some times and so we don't post them.

Black – can you notify us if we have technical problem. Mayor – or we could put something on the web page indicating why it is not there.

**CONSIDER A LOCAL CONSENT FOR LUPITA'S – JOSEFINA**

**PAREDES/JACK BURNS:** Jack Burns – I am assisting Lupita's, Josefina is the director and manager of Lupita's and has been since 2008, but has not been a share holder. In transferring shares from her brother to her there has to be a transfer application with the Department of Alcohol Beverage Control and it requires a local consent. She has been obtaining and dealing with the liquor license since 2008, but because of the transfer of shares we have to go through the transfer. As of November 1<sup>st</sup> she will be the sole shareholder. There should not be any changes in the daily dealings. Chief Allinson – like any local consent, we do a background. We have not had any problems and recommend you approve it. Consent.

**CONSIDER WAIVING A BACK SEWER BILL FOR CEDAR MEMORIALS –**

**MITCH DETTAMANTI:** Mitch Dettamanti – I got a letter from the City regarding back sewer bill stating that it has come to the attention that we are hooked up to the sewer and have not paid and billed us for 2 years back. I would like to come to you for a waiver. We hooked up in 1972 and we were required to run a new sewer line from 600 North behind our business, Watson Engineering, Brads Food Hut and shop on the corner. Lorin Whetten signed the agreement and Marilyn Prince, I could not find it. It said we would be reimbursed when others hooked into the line, but it never happened. It was 600-800 feet of an 8 inch line. Rowley – any recollection of the costs? Mitch - no, I read it when my dad sold me the business. Five years ago we spoke with the sewer department as part of a survey and nothing has happened. We have been using services since 1972, never been billed or paid back for our line. We are whole at this time, we have used the services and you have benefited by our line by billing the other businesses. I want to call it square at this time, Mr. Bittmenn said he could not do that; I will pay from this time forward. Cozzens – why have you not been paid back? Mitch – I don't know, the city was to collect. I don't know why my father was not paid. I don't think you or I have been hurt. Mayor – could you get us a copy of that agreement? Mitch – I will try and come up with it. It comes down 600 north to the back property line of the buildings. Black – are other businesses not paying? Rick – we will check, this is part of the process of finding who is not paying. Do you know if it is private line? Usually we have a utility easement if it is our line. Kit – we show the line on our GIS. Cozzens – what is the value of services for that time? Mitch – it has changed over time, but it has been valuable for me to have it. Black – can we get a history of what the sewer charges would have been? Rick – we will check. Action.

**CONSIDER AMENDING/RENEWING THE LEASE WITH YETI – KERRY**

**FAIN:** Kerry – here to get represent YETI. Rick – we met a few weeks ago and have some suggested changes. The lease has been \$300 or 3% a month, it is proposed \$500 a month or 5% gross sales. Paul – the liability was with community caps, and they flux every two years, it is between \$2 and \$3 million and it has been quite an expense. The proposal is to have it a \$2 million. Rowley – what have we used the dollar amount of the gross sales? Kerry – most of the time gross sales. Rick – we have required netting and

we have not had problems, so we are making that optional. Kerry – we could only hook to the building itself. Rick – we included the expenditures the City has made so we have a record of what we have done. One of the RAP Tax request was to put in an electric meter for the YETI use of the electricity, in the past staff has tried to calculate, this will let us know the exact usage. In looking at the gas usage, when Ruth and I evaluated the before and after gas usage it was quite involved, so we took an average from the doors to the Ice Rink and proposed a \$400 a month bill for the gas and they agreed to that. Kerry – it is hard gauging the utilities, this will save Ruth a lot of time. Black – what is the length? Mayor – a year to year agreement. Cozzens – Dallin Staheli has been in contact with a company in Canada. Rick – we met with Dallin, Dave, Kit and Trevor and talked about the changes. Trevor will contact companies up north and we may look at more local engineers that could evaluate our situation. Dallin was the first to admit he looked at it from his limited knowledge, and he needs to look more scientifically. Cozzens – how do you do your accounting? Kerry – it is usually weekly. We submit to the City monthly. Cozzens – I would like to see us figure out concessions outdoors, no one wants to take skates off to go in and buy hot chocolate. Kerry – we talked in our last board meeting and the Mothers would set out there and help and we would ring it up and do the same percentage. Rick – we will set down, Kerry, Chris and I and figure something out. The other thing is the timing of their insurance policy; it has been later than the start date. Kerry – we have started our paperwork on that. Consent.

Kerry – we hope to start freezing the second of November, but it depends on the weather. Our goalie has been picked up by a minor league team in Montana and we have one that will play for BYU next year.

Scott Jolley, Upper Limit Aviation – everyone is aware we had an incident with a fixed wing aircraft. I met with both families today, and both are coping as well as they can. I am here to express gratitude on behalf of ULA and the families to the first responders and took care of our comrades. We appreciate your Airport Manager, we ruined his anniversary. His professionalism in handling the scene of the accident was very professional. The aircraft has been recovered and taken to Phoenix and NTSB will do their process. Based on GPS they were performing routine trips. We had two instructors, Nathan's grandfather was an airline aviator, his 10 year old cousin has said he wants to follow his steps. There have been tender mercies. We express gratitude to Jeremy and his staff and to Sheriff Gower and his crew. Something went wrong between 12:59 and 1:01. There was an article in the Spectrum with a quote from a witness, Steve Black, it was news to us, the Sheriff Department was going to work on an official statement. Rowley – on KSL it stated a neighbor woman heard something. Scott – from what we hear he was in his barn and heard a thud and went out and found the airplane. We like to be in a non-populated area with a dry lake bed and Quichapa is a great place when we are training fixed wing. The way it landed and what little information I have learned in 10 months, I don't know. We are anxious for the FAA and NTSB, they gathered information and came to our office and Cessna was here as well. Black – how is the staff and students? Scott – we brought in grievance counselors from SUU. We have a lot of type A personalities, a lot of them have been in the military and they stuff it and don't

talk about it. We want to address all issues. We grounded the fleet until after the funerals, Alan's funeral will be Monday, Nathan Stoddard, it was his 2<sup>nd</sup> day on the job, receiving profession training, his funeral will be Thursday in West Point. Initially we were going to ground the aircraft, but after more discussion, we will resume flying on the 13th, we need the pilots not go get rusty. We have a company policy if the pilot or instructor does not want to fly, we will not force them. We will bring in more counseling; we will meet with students at SUU tomorrow. We are having our instructors be mentors and watch the students in the weeks to come. These two men loved to fly, it was their passion and we think this is what they would want their brothers to do. Mayor – our thoughts and prayers go out to the families and to ULA, it is a tragic incident. Cedar is an area that bands together, what impacts one impacts others. Scott – Mike asked that I express his gratitude to the Mayor for her contacting him. Mayor – we had wanted to do a moment of silence in memory of the Alan and Nathan, they were part of our community, and we will do that now.

**REVIEW PROPOSALS FOR THE WWTP IN-CHANNEL ROTARY SCREEN –**

**TREVOR MCDONALD:** Trevor – WWTP screens debris, they have on in channel drum screen that has been in operation for 20 years. To replace it takes about 6 months, they would like another one in case something happens so they don't have to manually screen every few hours for 6 months. Black – why the difference in the bids? Trevor – I don't know. Alder is a large company, Corrio is smaller. Black – why a construction company? Jeremy – on the equipment side you put in an order, but we have to install it and it is somewhat involved, there is also electrical work. Rowley – what percentage is the machine and how much the channel work? Trevor – no, we think the equipment would be around \$138,000, so Corrio would be about \$20,000. Marchant – so you had a minimum to meet, does the equipment come in one piece? Trevor – we specify that it needed to match the equipment we have or better, and they chose to keep the same equipment. It's a fairly large screen, 40 feet long inside a building. It might not come in one piece. Marchant – they met the specifications? Trevor – yes, and we are interested in the finished project. Kit – it will go in the place it was designated when the plant was built. Alder just did the project, we really like them, and they did a great job. This is a second screen. Trevor – there are others that could modify to fit, but it might have had to have modifications to fit the channel. Consent agenda for the bid of \$159,911 to Corrio Construction

**CONSIDER BIDS FOR THE INTERSTATE 15 BILLBOARD SIGNS – DANNY**

**STEWART:** Danny – we tabled this item a few weeks ago. We are looking at the two billboards on the north and south end of town along I-15. See Exhibit "A". We would remove interior back light, we would have banners to represent activities or events, and those would be changeable. Currently it is a box that is back lit. This is a system that is a stretching system, easier to install, banners do better in the weather. If you have seen Staheli West sign, that is what they have on their building. The stone work is natural. We bid the two projects separately. Black – what answers on lighting? Danny – the original was ground lighting, about 10 feet back, 6 feet off the ground. The south sign would be fine, the north sign is on UDOT property that is not fenced and open to vandals. We also needed to see if we could put the ground lights. The City owns the parcel on the

south; we found there is plenty of room for ground lighting. On the north end we have an agreement with UDOT and we cannot find a copy from UDOT or our records, it was in 2004. There are pros and cons to lighting on the ground, led lighting is longer life and more reliable and ground is easier to access. We asked the companies if we could light on the sign itself, YESCO said yes, but it is more money, Star Sign does not have anything. The wash lights YESCO has is about 18 inches off the sign, when faced up it has shadows. If you need service you would have to have a truck with a boom. You will get some shadowing, pros is the letters would stand out, but you would have shadows. Rowley – if banners are out two inches, Home of SUU would be shadowed? Danny – they said that it would not. Mayor – would the lighting show up during the day? Danny – no. Black – did you get replacement costs for lighting? Danny – No. black – you are about \$10,000 more for the wash lighting that you would have less vandals, how long would it take to recoup the \$10,000. Mayor – would the lights be specialized? Danny – you would not be able to get it at Home Depot, but from a sign company. Mayor – we would do just one sign this go around, the south sign and then include in the budget to do the north sign next year. Black – I have concerns with the lighting on the ground, even with a fence, for the extra money I would like it on the sign. Cozzens – have we suffered any vandalism? Danny – no, the lighting was inside the sign. There has been weather damage, but not vandalism. Rowley – what was the budget? Danny \$65,000. We could do option 2. We could also replace the banners on the north sign. The banners are part of the bid. We would insert the price to change the banners in our banner policy. Rowley – does SUU contribute? Danny – we don't have an amount, but they said to some back when we have a final project and they will participate for the Home of Southern Utah University portion. The Shakespeare Festival sign would not meet the specs, we will have certain specification. Adams – what is the trim material? Danny – I will send the details to you and can put it in the packet for next week. I will get bulb and banner replacement. Action.

**CONSIDER AN AMENDMENT TO THE AQUATIC CENTER USE,  
OPERATION & MAINTENANCE INTERLOCAL AGREEMENT BETWEEN  
CEDAR CITY AND IRON COUNTY SCHOOL DISTRICT (ICSD) – CHRIS**

**HUDSON:** Chris – we have an agreement with ICSD to allow them to use the pool for high school practice times. Both coaches expressed desire to practice at different venues so they practice 3:00 – 5:00 p.m., right now one is from 3:00 – 5:00 and one from 5:00 – 7:00. In an effort to expand the programs at the Aquatic Center we looked at the times and 5-7 would be hours for us to improve. We got together with the School District to allow an amendment if Canyon View practiced at SUU they would get a reduction of price. We will at least make back the revenue, we would only need 8-10 people per swimming lesson session to make up the money. The number was \$2,000, that is what SUU would charge them. Adams – would Cedar High use it all the time from 3-5? Chris yes and the schools would not switch off from 3-5 and 5-7. Canyon View requested to go to SUU and that is where they were practicing before. Marchant – costs are same regardless? Chris – yes for the school district. It is easier on parents also to have the kids done by 5:00 p.m. The swim meets, and all the extras will still be at the Aquatic Center, it is still the home of both swim teams, it is only practice time that will change. Mayor –

we want to review it with the School District annually to see that it still makes sense for both entities. Consent.

**CONSIDER AN ORDINANCE AMENDING CEDAR CITY'S SUBDIVISION ORDINANCE ELIMINATING VICINITY PLAN STEP FOR SIMPLE MINOR LOT SUBDIVISIONS – PAUL BITTMENN:**

Kit – a year ago we modified our Subdivision ordinance, one was to get the council involved in the front end by seeing vicinity plat and the second objective was to make it a simpler process. We inadvertently made it harder for simple minor lot subdivisions. For a simple all improvements are in but service laterals or they have a larger frontage than 200 feet. They would be approved by coming to Planning Commission with the record of deeds. We added a step that they had to bring a vicinity plan and then a minor lot subdivision that was not our intention. We are eliminating the vicinity plan step. Action.

**CONSIDER COOPERATIVE AGREEMENT WITH UDOT ON FUND EXCHANGE, FEDERAL GRANT FUNDS FOR STATE TRANSPORTATION FUNDS ON COAL CREEK ROAD PHASE 1 PROJECT, MAIN STREET TO 1045 NORTH – KIT WAREHAM:**

Kit – we got a grant for phase 1 of Coal Creek Road project, this is a Federal Grant and we anticipated changing federal money for state money. It was a million dollar grant with a match and they added to the grant. They changed their policy, the State, the total grant is for \$1 million and it shorts us \$53,000, out of \$2 million project. We can charge our administration and engineering fees, so we get some money back. This being short, we thought \$850,000 but on \$793,000, we just won't be able to reimburse ourselves. It saves us a lot of money by exchanging it for State money. We did it on Cove Drive and were able to pay utilities and administration costs and put in the block wall. It makes the money go further. It shortens the time frame. Mayor – it is a project that Kit was able to accomplish. Consent.

**APPOINT POLL WORKERS FOR THE ELECTION – RENON SAVAGE:** A list of the poll workers for this year's election were in the packet, a copy is attached as Exhibit "B". Black – can people vote at any polling location? Renon – yes. Consent.

Cozzens – 3 years ago we requested a camera in the council chambers so citizens can watch the meetings. We did it as a convenience, but it is not required by law but we do want it to work.

**ADJOURN:** Councilmember Marchant moved to adjourn at 7:10 p.m.; second by Councilmember Black; vote unanimous.

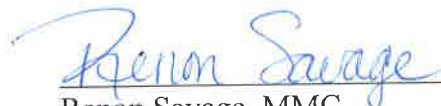
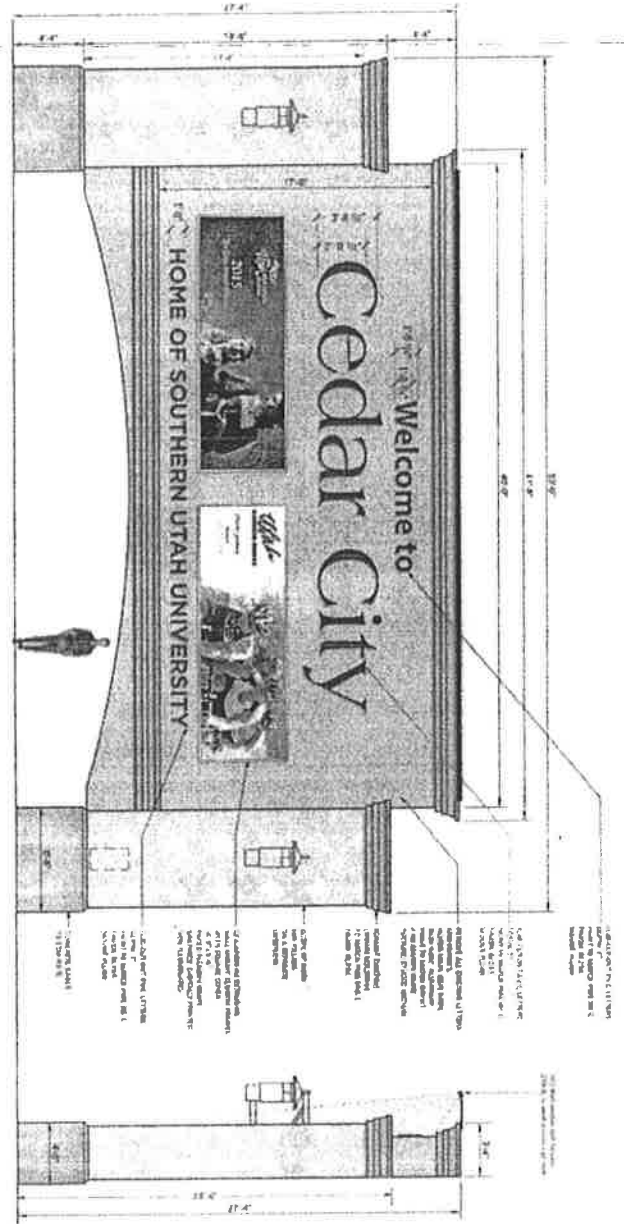
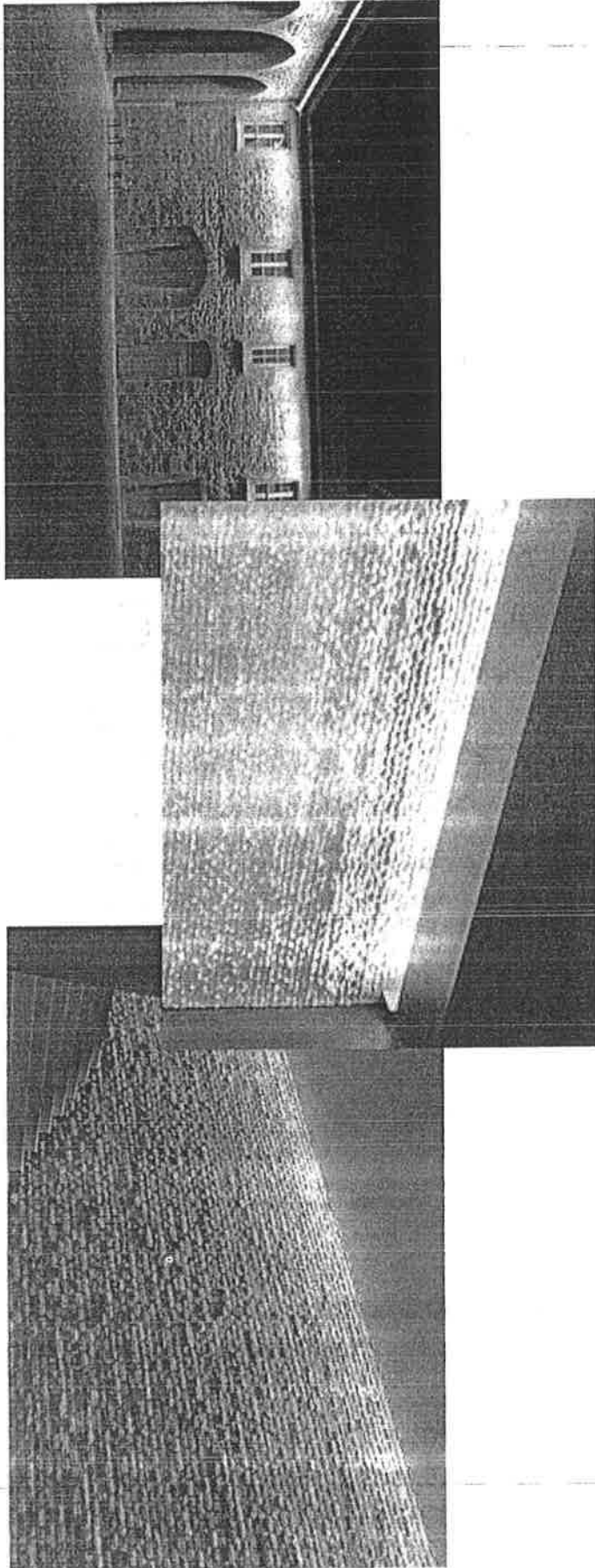
  
Renon Savage, MMC  
City Recorder





EXHIBIT "A"  
OCTOBER 7, 2015



# Options

## Option 1

YESCO: Sign – (front lit)	\$83,290.00
YESCO: Columns –	\$30,119.00
TOTAL –	\$113,409.00

½ = \$56,754.50

## Option 2

YESCO: Sign – (wash lit)	\$92,538.00
YESCO: Columns –	\$30,119.00
TOTAL –	\$122,657.00

½ = \$61,328.50

## Option 3

Star Sign: Sign –	\$98,973.33
UrieCo: Columns –	\$48,750.00
TOTAL –	\$147,723.33

½ = \$73,861.67

Welcome to  
**Cedar City**



*Utah*  
Shakespeare  
Festival  
bard.org



*Utah*  
SUMMER GAMES  
utahsummergames.org

HOME OF SOUTHERN UTAH UNIVERSITY

Suggested Repairs

# Bids

## Billboard – Sign

YESCO – Front Lights \$83,290.00

YESCO – Wash Lights \$92,535.00

Star Sign – Front Lights \$98,973.33

## Billboard – Columns

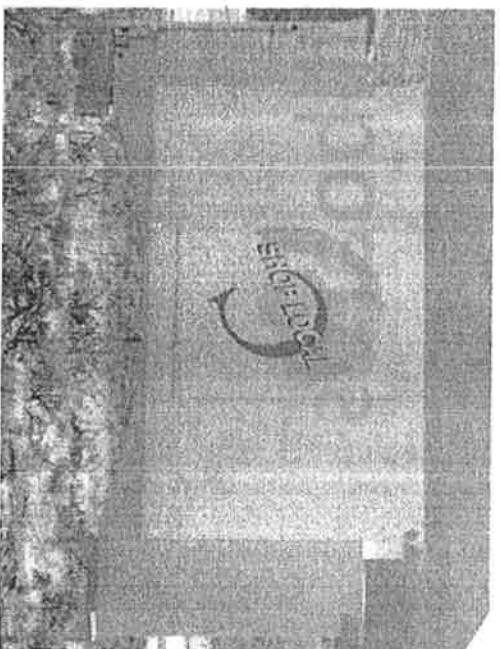
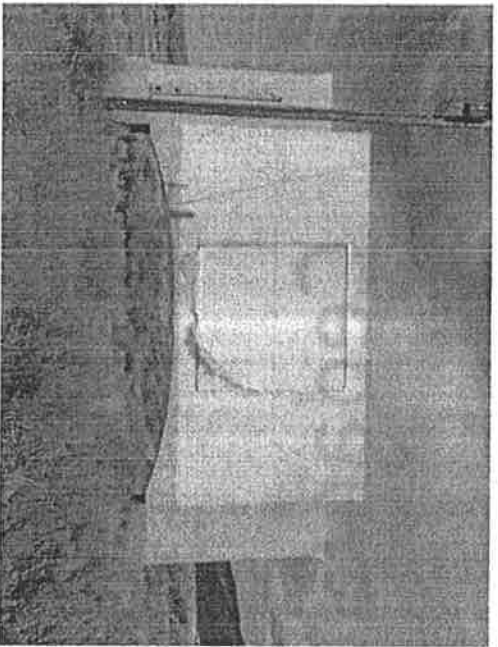
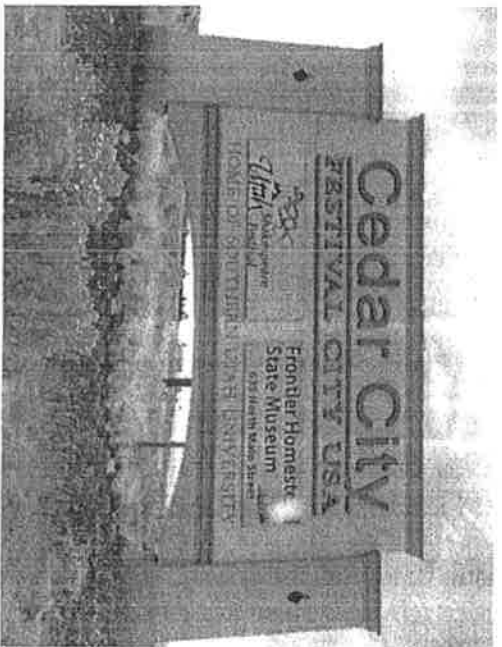
YESCO – \$30,119.00

UrieCo Construction – \$48,750.00

# Cedar City Billboards

Northbound & Southbound

Interstate 15



Current Billboards

**EXHIBIT "B"**  
**City Council October 7, 2015**

The following is a list of poll workers for the 2015 election:

Canyon View High School – Precincts 7:1, 6:1, and 22:1

Tamera Lewis Nesmith – Poll Manager

Lonnie Diane Gardiner – Ballot Clerk

Elaine Lawrence Croft – Ballot Clerk

Ellen B. Sorensen – Ballot Clerk

Cedar High School – Precincts 14:1 and 15:1

Marlynn Smith – Poll Manager

Suzanne Morris – Poll Manager

Cynthia Davidson – Ballot Clerk

Kaye A. Nielson – Ballot Clerk

Cedar Middle School – Precincts 5:1, 19:1, 20:1, and 24:1

Rhea Church – Poll Manager

Yvonne Lynne Strosnider – Ballot Clerk

Laurie Sullivan Vincent – Ballot Clerk

Crystal Inn – Precincts 17:1 and 18:1

Jane Roberta Jensen – Poll Manager

Alice C. Heidenreich – Ballot Clerk

Melody Wright – Ballot Clerk

East Elementary – Precincts 2:1, 4:1, and 3:1

Marva Marie Thurston – Poll Manager

Bernice Rember – Ballot Clerk

Dorothea Marie Stucker – Ballot Clerk

Fiddler's Canyon Elementary – Precincts 22:1, 1:1

Catherine L. Bryant – Poll Manager

Ann Banks – Ballot Clerk

Mindy Templin – Ballot Clerk

Kenneth W. Orton – Ballot Clerk

Iron Springs Elementary – Precincts 25:1 and 23:1

Mabel Ellen Creamer – Poll Manager

Jennifer Hepworth – Ballot Clerk

Virginia Shelley – Ballot Clerk

North Elementary – Precincts 8:1, 9:1 and 16:1

Sharon Forsyth – Poll Manager

Carol Marie Hale – Ballot Clerk

Sharon Holder – Ballot Clerk

Donna R. Jolley – Ballot Clerk

South Elementary – Precincts 10:1, 11:1, 12:1, and 13:1

LaRee U. Garfield – Poll Manager

Diane Elyse Shirley – Ballot Clerk

Colleen C. Engle – Ballot Clerk

Diane Cooley Ashdown – Ballot Clerk

